



Competitive Carriers Association
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March 12, 2013

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: PS Docket No. 11-153
PS Docket No. 10-255

Dear Ms. Dortch:

On March 8, 2013, Tim Donovan, Sean Spivey and I met with David Furth, Tim May, David Siehl, Zenji Nakazawa, Aaron Garza and Dana Zelman of the Public Safety and Homeland Security Bureau, as well as Henning Shulzrinne, Chief Technology Officer, to discuss the Commission's Text-to-911 Notice of Proposed Rulemaking (NPRM).¹ CCA shares the Commission's commitment to improving our nation's next generation 911 ("NG911") capabilities and is pleased with the Commission's technology-neutral approach to implementation of NG911.

CCA discussed with the Commission some of the concerns raised in the record, particularly affecting smaller carriers, about implementing an automatic notification or "bounce-back" message in instances when text-to-911 is unavailable. CCA noted that some of its members have already deployed a bounce-back message, but that challenges to deployment remain. For example, once public safety answering points (PSAPs) become technically capable of receiving texts-to-911, there will be costs and complications involved in segmenting bounce-back messages across PSAPs and caller locations, in addition to the consumer education and confusion concerns that may arise. The FCC should address this issue from both a technical and policy perspective to fully implement an appropriate bounce-back message where a consumer is attempting to text "9-1-1."

Related to deployment of text-to-911 capability by carriers, CCA asked that the FCC not require its carrier members (other than those who are signatories to the agreement with NENA and APCO²) to respond to a "Valid PSAP Request" for service until December 31, 2014. CCA asked that the Commission define a "Valid PSAP Request" based on a regional or statewide technological capability of PSAPs to be able to accept texts-to-911, rather than on a PSAP-by-PSAP basis. As CCA has previously

¹ Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Notice of Proposed Rulemaking, PS Docket No. 11-153 (rel. Sept. 22, 2011) ("*Text-to-911 NPRM*").

² Letter from AT&T, *et al.* to Chairman Genachowski, *et al.*, Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, PS Docket No. 11-153 (filed Dec. 6, 2012).

argued, deployment on a regional or statewide basis will similarly lead to cost savings and more uniform service availability.³ Of course, carriers would be free to deploy sooner than this deadline.

In addition to implementation, cost recovery is also an important factor in text-to-911 deployment. CCA stated that, while some of its members want the Commission to delay deployment requirements for text-to-911 until such a time as state and/or local governments allow for cost recovery, at a minimum CCA would ask that the Commission not take any steps that waive or impair carriers' rights to seek cost recovery from those jurisdictions.

CCA also encouraged the FCC to substantively address carrier liability protection in any future order it adopts. CCA is pleased with the FCC's recent recommendations to Congress to implement a legal and statutory framework for NG911, and specifically that Congress encourage states to limit liability on NG911 providers and include liability protection in any federal laws dealing with NG911.⁴

Finally, CCA and the Commission briefly addressed the implications of text-to-911 while roaming. While CCA is cognizant that text-to-911 may not be available to wireless subscribers roaming outside of their home networks based on the Carrier-NENA-APCO Agreement, CCA encouraged the Commission to consider framing text-to-911 obligations within the context of carriers' roaming obligations under the FCC's rules.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules.

Sincerely,

/s/

Rebecca Murphy Thompson
General Counsel

cc (via email): Mr. David Furth
Mr. Timothy May
Mr. David Siehl
Mr. Zenji Nakazawa
Mr. Aaron Garza
Ms. Dana Zelman
Mr. Henning Schulzrinne

³ Letter from Rebecca Murphy Thompson, General Counsel, CCA to Marlene Dortch, Secretary, Federal Communications Commission, Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, PS Docket No. 11-153 (filed Nov. 5, 2012).

⁴ See Federal Communications Commission, *Legal and Regulatory Framework for Next Generation 911 Services: Report to Congress and Recommendations* at § 4.1.5.2 (Feb. 22, 2013), http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0227/DOC-319165A1.pdf.